

AUG-31-2011 07:34 From: WCSD

5159611025

To: 9619450

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Warren Co. Clerk

515 961 1088 &gt;&gt;

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Form 4.1: Temporary Protective Order (Section 236.3 Petition).

**Order of Protection**

This order can be verified during business hours with the

WARREN County Clerk of Court at (515) 961-1069 or

anytime with the WARREN COUNTY SHERIFF at (515)

961-1122.

Case No.

DACV033692

Judge RICHARD B. CLOGG

(print or type name here)

County

WARREN

State

IOWA

**TEMPORARY PROTECTIVE ORDER  
(Section 236.3 Petition)**ISSUE  
DATE:

08/30/2011

**PETITIONER/PROTECTED PARTY:**

KELLI SLY

First

Middle

Last

V.

Other Protected Persons:

**RESPONDENT/DEFENDANT:**

TIM SLY JR.

First

Middle

Last

RESPONDENT Date of Birth

04/08/1986

Address for Respondent (not shared address with Protected Party)  
POLK COUNTY**THE COURT HEREBY FINDS:**

It has jurisdiction over the parties and subject matter. Additional findings are set forth below.

**THE COURT HEREBY ORDERS:**

The above named Respondent is restrained from committing further acts of abuse or threats of abuse.

The above named Respondent is restrained from any contact with the Petitioner/Protected Party.

Additional terms of this order and exceptions to the above provisions are as set forth below.

This order is effective upon service on respondent. It shall remain in effect until modified, terminated or superseded by a later written order, or until the dismissal of the case, but in no event for more than one year.

**WARNINGS TO RESPONDENT:**

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and any tribal jurisdiction, 18 U.S.C. § 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment, 18 U.S.C. § 2262.

Only the court can change this order.

**NOTICE FOR LAW ENFORCEMENT:**

CAUTION:

If checked,  
**FIREARMS WARNING**  
for Law EnforcementThe Respondent will be provided with  
reasonable notice and opportunity to be heard.  
See page 2, paragraph 8.

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Warren Co. Clerk

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The court has considered the Petition for Relief from Domestic Abuse and finds that a temporary protective order under Iowa Code section 236.4(2) is necessary to protect the protected party named above.

Therefore, the court ORDERS as follows:

1. Respondent shall not threaten, assault, stalk, molest, attack, harass, or otherwise abuse the protected party. Respondent shall not use, or attempt to use, or threaten to use physical force against the protected party that would reasonably be expected to cause bodily injury.

2. Respondent shall stay away from the protected party and shall not be in that party's presence except in a courtroom during court hearings.

3. Respondent shall not communicate with the protected party in person or through any means including third persons. This restriction shall not prohibit communication through legal counsel.

4. The protected party shall have exclusive possession of the residence located at [REDACTED]

Indianola, IA 50125  
Respondent shall not go to, enter, occupy or remain in that residence or any other residence in which the protected party is staying, under any circumstance. Respondent shall turn over to the sheriff all devices that allow access or entry to the residence or outbuildings (for example, keys or garage openers). Respondent may enter the residence once in the company of a peace officer to retrieve respondent's clothing and work-related items. The law enforcement agency shall contact the protected party to provide notice of the intent of the respondent to return to the residence and to accommodate the safety concerns of the protected party.

☒ 5. If checked, the protected party shall have the right to exclusive use and possession of the 2000 Ford Ranger vehicle until further order of the court, and the sheriff shall take custody of respondent's keys to the vehicle upon service of this order. Sheriff will turn vehicle keys over to the protected party.

6. The protected party is granted temporary custody of these children (list names and ages):

Gavin 5/4 (11-9-09)

If the children are not presently in the care of protected party, the children shall be returned to the protected party's custody at the following time and in the following manner:

Unless modified by order filed in this proceeding or in a juvenile court proceeding affecting the same children, this temporary order shall prevail over any other existing custody order. The issue of visitation will be addressed at the hearing mentioned below. Until such time, respondent shall not contact these children and shall not contact the protected party about visitation.

7. **A RESPONDENT WHO VIOLATES THIS ORDER FACES IMMEDIATE ARREST.** Violation may occur even if the protected party consents to conduct that is prohibited by this order. Only the court can relieve respondent from the restrictions contained in this order.

8. A hearing will be held on September 12<sup>th</sup>, 2011, at 1:30 o'clock p.m. at the Warren County Courthouse, Room 213, in Indianola, Iowa, to decide if a final protective order should be entered. Failure of the respondent to appear may result in a final protective order being entered against the respondent. Failure of the protected party to appear may result in the case being dismissed. Each party has the right to be represented by an attorney at this hearing. The parties shall bring copies of any existing child custody orders to the hearing.

9. The court finds, pursuant to Iowa Code section 236.10, that to protect the safety or privacy of the protected party and/or the protected party's children, the clerk of court shall until further order of the court (check any that apply)

☐ seal the entire file from public access, other than court orders and child support payment records.  
☐ seal the following portion(s) of the file from public access:

☐ redact protected party's actual address and location information prior to public dissemination of court orders, child support payment records, and other records available at the clerk's office or through the Iowa Court Information System (ICIS).

Whether or not any boxes are checked above, the indices available at the clerk's office or through the Iowa Court Information System (ICIS) shall remain open.

10. The Respondent may be required to relinquish all firearms, offensive weapons, and ammunition upon issuance of a permanent protective order.

  
JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

☒ The Polk County Sheriff shall serve and return service upon the respondent, the petition/motion and this order at least two days before the hearing.

☒ The clerk of court shall provide copies of this order to the parties and law enforcement agencies, pursuant to Iowa Code sections 236.5(5) and 664A.4.

NOTICE: If you have a disability and need assistance to participate in court proceedings, please call the ADA Coordinator at (515)286-3394. If you are hearing-impaired, call Relay Iowa TTY at 1-800-735-2942.

Effective December, 2010